

REMARKS

In the Office Action of December 14, 2005, the Examiner rejected Claims 7-10 and 13-14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1, 2, 5, 7, 9, 12, and 13 were rejected as being anticipated by U.S. Patent No. 310,033 to Collamore (hereinafter "Collamore"). Claims 3, 6, 8, 10, 11 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Collamore in view of U.S. Patent No. 4,553,286 to Schwarz, II (hereinafter "Schwarz, II"). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Collamore and Schwarz, II as applied to the Claims above, and further in view of U.S. Patent No. 5,347,686 to Tyler et al. (hereinafter "Tyler"). Claims 1-10 and 12-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tyler in view of Collamore. Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tyler and Collamore and further in view of U.S. Patent No. 2,791,239 to Mason (hereinafter "Mason").

Applicants have herein canceled Claims 2 and 7-11 and amended Claims 1, 3, 5, and 12-14. Additionally, Applicants have added new Claims 18-21. In view of the following comments, Applicants respectfully request that the rejections of Claim 1, 3-6, and 12-17 be withdrawn in view of the following remarks.

Claims 13-14 Are Not Indefinite

Applicants canceled Claims 7-10, making the rejections of those Claims moot. Applicants note that Claim 13 is not specifically rejected. Applicants believe that the reasons for

rejection of Claim 14 do not apply to Claim 13 and that Claim 13 is not indefinite. Claim 14 has been amended to specifically claim a second hinge attachment device attached to the door. This amendment makes it clear that there are two hinge attachment devices, one attached to a door frame and the other attached to a door. This embodiment is shown in Figure 3 of the application.

In view of the foregoing, Applicants respectfully request that the rejection of Claims 13 and 14 under 35 U.S.C. § 112, second paragraph, as indefinite be reconsidered and withdrawn.

Claims 1, 5, 12, and 13 are Not Anticipated By The Prior Art

To anticipate a patent claim under 35 U.S.C. §102, a single prior art reference must teach or comprise each and every limitation recited in the claim. *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990). As amended, Claim 1 requires, among other things, a hinge attachment device with an offset central portion connected to each end portion by a bight portion, forming a recess and having multiple projections secured to the back surface of the central portion where bores extend through the projections and the central portion and each individual projection including a cover. Collamore is directed to a hinge attachment device designed for adjusting the offset of the hinge plate from the door frame so that a door's hanging angle might be adjusted without removing the door from the door frame.

Collamore fails to disclose any cover for the protrusions, much less an individual cover for each protrusion. Further, Collamore fails to disclose a bight portion between the central portion and the end portions and discloses a recess connected to end portions by a sharp, right angle bend. Collamore therefore fails to teach each and every limitation of Claim 1 and fails to anticipate Claim 1, as amended. Because Claim 1, as amended, is not anticipated by Collamore,

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it follows that Claims 5, 12, and 13 are also not anticipated by Collamore. For all of the above-mentioned reasons, Applicants request that the anticipation rejection of Claims 1, 5, 12, and 13 under 35 U.S.C. § 102 in view of Collamore be reconsidered and withdrawn.

Claims 1, 3, 6, and 14 are Not Obvious in View Of The Prior Art

Claim 1, as amended, includes the limitations of Claim 11. As set forth above, Claim 1, as amended, requires, among other things, a hinge attachment device with an offset central portion connected to each end portion by a bight portion, forming a recess and having multiple projections secured to the back surface of the central portion where bores extend through the projections and the central portion and each individual projection including a cover. Collamore is directed to a hinge attachment device designed for adjusting the offset of the hinge plate from the door frame so that a door's hanging angle might be adjusted without removing the door from the door frame. Schwarz, II is directed to a hinge reinforcement member having a recessed center portion and a removable hinge conversion means having a guard plate for covering the holes of the hinge reinforcement member.

Collamore and Schwarz, II are not properly combinable prior art references. Collamore teaches an adjustable hinge assembly, while Schwarz, II teaches a hinge assembly capable of supporting a regular weight hinge or heavy weight hinge by incorporation of a removable hinge conversion means. A person of ordinary skill in the art would not combine Schwarz, II and Collamore because the two references would not work together. First, the hinge conversion means of Schwarz, II could not slide into place over the bosses of Collamore. Second, if the hinge conversion means of Schwarz, II were combined with Collamore, then there would be less

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clearance between the hinge reinforcement member and the hinge itself, making the hinge less adjustable. Third, Collamore does not teach or suggest conversion of a hinge assembly and Schwarz, II does not teach or suggest adjustment of the hinge assembly. Because these two references cannot physically work together, because combining them would defeat the purpose of the inventions, and because the two references teach or suggest different hinge assembly applications, a person of ordinary skill in the art would not combine Collamore and Schwarz, II.

Collamore and Schwarz, II fail to disclose the limitation that each individual projection have its own cover. Schwarz, II discloses a single plate to cover the apertures of the hinge reinforcement member. The plate of Schwarz, II is not equivalent to the separate covers of the present invention and it is respectfully believed that *Nerwin v. Erlichman*, 168 U.S.P.Q. 177 (B.P.A.I. 1969) does not say otherwise. In that case, the Board found that one inventor's roller made another inventor's roller and separator obvious where the first inventor's roller clearly served the function of a separator *and* a roller. *Nerwin*, 168 U.S.P.Q. at 179. Here, the multiple covers of the present invention are not identical or similar in structure to the plate of Schwarz, II. Further, the plate of Schwarz, II would not function efficiently in combination with the projections of the present invention. In Schwarz, II the plate is flush with the back of the recessed portion of the hinge reinforcement member. In the present invention, such a plate would be offset from the back surface of the hinge reinforcement member and would have to be specially formed to fit snugly over the protrusions. If the plate's form was changed, then it would not longer be a plate. Because the plate of Schwarz, II is not structurally equivalent to the multiple covers of the present invention and because the plate of Schwarz, II would not work

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well in combination with the projections of the present invention, Schwarz, II in combination with Collamore fails to teach or suggest all of the limitations of amended Claim 1.

Collamore and Schwarz, II are not properly combinable references and, in combination, fail to disclose all of the limitations of amended Claim 1 of the present invention. Therefore, the cited prior art fails to teach or suggest all of the invention's limitations and fails to make the invention obvious. Because Claim 1, as amended, is not obvious in view of the prior art, it follows then that Claims 3, 6, and 14 are also not obvious in view of the prior art. For all of the above-mentioned reasons, Applicants request that the obviousness rejection of Claims 1 (as amended), 3, 6, and 14 under 35 U.S.C. § 103(a) over Collamore in view of Schwarz, II be reconsidered and withdrawn.

Claim 4 is not Obvious In View Of The Prior Art

Claim 4 requires, among other things, the hinge attachment device of amended Claim 1 including at least one witness mark on the front surface of the recessed portion. None of Collamore, Schwarz, II, or Tyler disclose the independent covers required by amended Claim 1, from which Claim 4 depends.

As disclosed above, Collamore is directed to an adjustable hinge assembly and Schwarz, II is directed to a convertible hinge assembly. Tyler is directed to a method of manufacturing and using a convertible hinge preparation assembly wherein a hinge reinforcing member has a recessed portion and a planar front face wherein pips protrude from the front face of the recessed portion. The purpose of the pips is to provide an offset between the front face of the recessed portion of the hinge reinforcing member and the hinge plate when a regular weight hinge is used

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and to remove the pips by drilling or grinding so that the hinge reinforcing member can accept a thicker, heavyweight hinge plate.

None of Collamore, Schwarz, II, or Tyler disclose the at least one witness mark of Claim 4. The pips of Tyler protrude from the front surface of the recessed portion of the hinge reinforcement member and permit the user to locate the depth of the hinge plate. The at least one witness mark of the present invention is just a mark, not a protrusion or indentation, and its purpose is to locate potential holes for receiving wires or a security stud if the hinge assembly requires such implements. (Applicants' Patent Application, Paragraph [0025]). Therefore, the prior art fails to teach or suggest all of the limitations of Claim 4 of the present invention.

Because Collamore, in view of Schwarz, II and further in view of Tyler fails to teach or suggest all of the limitations of Claim 4 of the present invention, Claim 4 is not obvious in view of the prior art. For all of the reasons set forth above, reconsideration and withdrawal of the rejection of Claim 4 under Section 35 U.S.C. § 103(a) over Collamore, in view of Schwarz, II and further in view of Tyler is earnestly solicited.

Claims 1, 3-6, and 12-17 are Not Obvious In View Of The Prior Art

As amended, Claim 1 requires, among other things a hinge attachment device having projections wherein each of the projections has a cover over the end. Neither Collamore nor Tyler disclose such a cover, as pointed out by the Examiner in Paragraph 9 of the Office Action. As such, Claim 1, as amended, is not made obvious by the combination of Collamore and Tyler and Claims 3-6 and 12-14, being dependent upon Claim 1 are also not obvious in view of the prior art.

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Claim 15, as amended, requires, among other things, two hinge attachment devices, each having projections attached to the back surface of the central planar portion of their respective hinge attachment devices and a removably mounted cover on each of the projections. Neither Collamore nor Tyler disclose the cover required by Claim 15. The Examiner states so himself in Paragraph 9 of the Office Action. As such, Claim 15, as amended, is not made obvious by the combination of Collamore and Tyler and Claims 16-17, being dependent upon Claim 15 are also not obvious in view of the prior art.

For all of the reasons set forth above, Applicants believe that Claims 1, 3-6, and 12-17 are in condition for allowance and respectfully requests that the obviousness rejection of these Claims under 35 U.S.C. § 103(a) over Collamore in view of Tyler be reconsidered and withdrawn.

Claim 11, As Amended, is Not Obvious In View Of The Prior Art

In the Office Action, Claim 11 was rejected as being unpatentable over Tyler and Collamore in further view of Mason. Applicants have amended Claim 1 to include all of the limitations of Claims 2 and 11, so Claim 1 is now Claim 11 in independent form and the grounds of rejection set forth in Paragraph 9 of the Office Action apply to Claim 1.

Claim 1, as amended, requires, among other things, a hinge attachment device having a center portion offset from the end portions, projections with threaded holes attached to the back of the center portion, and removable covers placed on the ends of the projections to prevent the particles and other foreign material from fouling the threaded holes of the hinge attachment device. As set forth above, Collamore discloses a hinge butt assembly with an offset center

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portion and bosses with threaded holes, where the bosses extend from the center portion of the recessed portion of the hinge attachment member. Tyler discloses a method of attaching a hinge reinforcement member with a recessed portion and a plurality of pips protruding from the front face of the recessed portion to permit a user to attach a regular weight hinge, or remove the pips and attach a heavy weight hinge. Tyler does not contemplate adjusting the distance of the hinge plate from the reinforcement member after installation, like the disclosure of Collamore. Mason relates to a control device for a refrigeration system and fails to disclose any hinge or hinge assembly. A person of ordinary skill in the art would not combine Collamore and Tyler with Mason because Mason does not relate to door hinge assemblies in any manner and Mason does not teach or suggest the use of "dust caps" in hinge assemblies or any cross-over between problems of hinge assemblies and problems related to refrigeration control devices. Further, the dust cap of Mason relates to a different problem and solution than the individual covers of the present invention. The dust cap of Mason is intended to reduce dust buildup in the sleeve over time, whereas the individual covers of the present invention are intended to keep foreign matter out of the threaded holes during installation of the hinge attachment device.

For the reasons set forth above, a person of ordinary skill in the art would not combine Collamore and Tyler with Mason, so Claim 11, as amended, is not obvious in view of the prior art. Applicants believe that all reasons for rejection of Claim 11, as amended, have been traversed and respectfully requests reconsideration and withdrawal of the rejection of Claim 11, as amended, under 35 U.S.C. § 103(a) over Collamore and Tyler in view of Mason is earnestly solicited.

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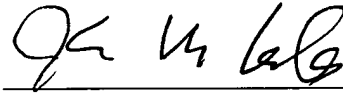
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CONCLUSION

In view of the above, Applicants submit that this application is now in condition for allowance and notification of such is respectfully requested.

Respectfully submitted,

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